

**TOWN OF EPPING, NEW HAMPSHIRE
PLANNING BOARD MEETING**

THURSDAY February 25, 2010

PRESENT – Greg Tillman Mike Morasco; Selectmen’s Representative Karen Sott; Alternate Dave Crowell; Planner Brittany Howard; Secretary Phyllis McDonough.

CALL TO ORDER: Chairman Tillman called the meeting to order at 6:00 p.m., and appointed Crowell to sit in as a voting member as Dwyer and Colby were not present.

NON PUBLIC IN ACCORDANCE WITH RSA 91-A:3(II)(E) – at 6:05pm

Selectman Sott – yes

Crowell – yes

Morasco – yes

Tillman - yes

Morasco moved, Crowell seconded the motion to come out of non public at 6:30 pm and to seal the minutes. The motion carried unanimously.

DISCUSSION:

Atty. Scott Hogan, representing Dan & Amy Riley

Location:

109 Calef Highway, **Tax 028 – Lot 280**

Correspondence from Atty. Hogan, dated 1/26/10

Correspondence from Jerry Langdon, dated 2/22/10

Attorney Hogan came before the Board for Dan and Amy Riley, 15 Acre Street behind the Prudential Real Estate property. Hogan reminded the Board that the Prudential site was approved for the expansion of the property and pavement of the parking lot. Hogan explained that Riley has concerns with the drainage in and the specifics that were put on the plan by the board. Hogan submitted photos to the board showing the buffer of trees that were taken down that the applicant said would remain and a gravel parking lot out back would be retained, as stated by Joe Coronati who presented the plan and was noted in the minutes.

Hogan explained the applicant began work on the project and the entire line of trees was cut down and the drainage work was left undone leaving the residential property was left open to the impact of Route 125. Hogan submitted photos showing the screen of trees that once were on the property and the after pictures showing the conditions of the site as of today.

Hogan referenced Mitchell’s letter dated July 16, 2008 which states there should be some sort of screening provided along the rear of the property. Hogan explained a fence was discussed if not pave parking lot then there is a different drainage plan that should be filed. Hogan explained Riley agreed that the length of the fence could be cut down due to the cost, and Langdon agreed to split the cost of the fence, however the Riley’s feel its Langdon’s obligation pursuant to the Planning Board approval. Hogan spoke also about the drainage and the water going onto the Riley’s property stating he feels, with the approval, something should be done with that.

Chairman Tillman introduced the new planner Brittany Howard.

Howard explained she reviewed the site plan and feels this should be a civil matter. She noted the letter from Langdon stated trees have been planted and more trees will be planted in the spring.

Selectman Sott explained she spoke with Langdon and the last paragraph of the letter was to split the cost of the fence. Selectman Sott explained she asked Langdon to put the fence up advising that other businesses in that area were made to put up fences.

Chairman Tillman informed Hogan the applicant is not going forward on the approved plan for a new building and paved parking lot, and without a new approval it would be hard to enforce.

Hogan explained the property before pre application had a screen, had a buffer between a commercial strip and this property; the trees were cut and the buffers were rendered between the two properties. Hogan explained the Board does have the right to require the site to be brought up to what was in place. Mitchell was clear in his letter "where the activity has triggered the impact to be mitigated by the landscaping, the landscaping or fencing should be installed".....to support the active and substantial nature of these preliminary improvements and remain consistent with the Board's approval."

Morasco stated it is hard to say if the Board has any leverage to create a buffer unless the project is going forward.

Chairman Tillman explained the board is not going to be between two abutters, although it will make a determination of what will be done. The Chairman suggested the Riley's and Langdon's work out the situation at hand.

Chairman Tillman directed Howard to determine if what has taken place on the site already is active and substantial development towards the existing site plan, and if Howard feels it is then Langdon will have to add an adequate buffer of vegetation or a fence. Chairman Tillman explained that otherwise, unless the previous site plan required the trees to remain, he does not feel the Board can do anything.

DISCUSSION: Mike Curley – Rt. 125/Old Hedding Rd.
Location: Old Hedding Road, **Tax Map 023 – Lot 090**

Mike Curley and Kevin Murphy came before the board to discuss the proposal for an upholstery business for vintage autos at Route 125 and Old Hedding Road owned by James Jossick.

Chairman Tillman informed Curley that the business would require a minor site plan and public hearing per the consensus of the board.

DISCUSSION: Al Gabbord (The Commons) previous approval of restaurant
Location: Calef Highway, **Tax Map 023– Lot 181 & 181.1**

Ken Shamansky one of the owners of the Commons and Craig Baer came before the Board to explain the proposal. Shamansky explained Al Gabbord spoke with Mitchell about leasing 3,600 square feet for the purpose of a restaurant. Shamansky explained there was a prior discussion with the Board about a 2,400 square foot restaurant that never went further. Shamansky stated based on the layout and design 2,400 square feet wouldn't be feasible to allow the seating that is needed.

Howard explained she reviewed the minutes from 2008 and there was an issue with parking, and an agreement that was reached. Howard asked how many seats will be in the restaurant. Baer stated total would be approximately 100 seats.

Morasco asked what the portion is of the parking. Howard stated there are 114 parking spaces. Shamansky noted the parking space number is 122. Morasco asked if there would be seating upstairs. Shamansky stated there will not be.

Selectman Sott asked if there any possible way to have an entry out back to encourage the parking in the back. Shamansky explained there is quite a bit of equipment in the back, office space and other parts of the restaurant which will take up the space along the back and showed a layout of the proposal.

Morasco asked about compressors. Shamansky explained there will be no outside compressors. Chairman Tillman asked Howard how she felt on the parking. Howard stated based the amount of seating that was approved for the original restaurant she has no concerns with the parking.

Chairman Tillman asked if they were changing any lighting or signage. Shamansky stated there would be no changes to either. Chairman Tillman noted the board agreed with the additional seating, and for the applicant to add signage encouraging parking in the rear. The Chairman explained the last condition of approval is performance-based, and parking must not impede traffic in the lot, on other sites, or on Route 125, and if the parking becomes an issue the Board will require the application to come back before the Board.

Tillman moved, Selectman Sott seconded the motion to approve the proposal. The motion carried unanimously.

DISCUSSION: ITW

Chairman Tillman explained the application for ITW that the Board had previously denied and that decision went into litigation, and the Board had discussion and went into non public at the last meeting.

Since Tillman was not present at the non-public, Morasco explained that in the non public session where the Board agreed to send on the attorney agreed on a settlement for a 135 foot cell tower pole and will have input on the design.

Joseph Chase part owner of the abutting property addressed the Board and explained he was not pleased with the outcome of the final decision. Chairman Tillman explained the decision was made and acted on and it is not possible to open for reconsideration. Received correspondence from Town's attorney and agreed as long as due process was followed. Chase explained he was disappointed that a settlement was arrived and felt it was an intervention of the due process that was in process. Chase to read a letter from Jane Burley received by the Planning Board, for the record.

PUBLIC HEARING: Sign application Plan
 Developer/Owner: Charlie Goodspeed
 Location: 68 Old Hedding Road, **Tax Map 023 – Lot 090**
 Sign information attached

Charlie Goodspeed came before the Board with his proposal. He explained he would like to put two signs on the on the building and the south side with no lighting. Goodspeed stated one is 18" high by 8 feet wide and flush to the building the other is 5' x 7'. Goodspeed explained the sign out front will be fixed this week and will have back lights.

Howard questioned if one of the signs is on the roof. Goodspeed stated it's not on the roof and showed the eaves where the sign would go under.

Morasco asked about the site being in compliance. Howard explained there is a temporary CO that will be

revoked if the site is not brought into compliance May 1. Morasco asked Howard for a running tally of how the conditions are met.

Morasco moved, Crowell seconded the motion to accept and approve the application. The motion carried unanimously.

PUBLIC HEARING: Site Plan application by
Developer/Owner: Route 101 & 125 Investments
Location: Fresh River Road, **Tax Map 029 – Lot 283-6**

Rob Graham representing Route 101 & 125 Investments and Krise came before the Board with the proposal for a fuel distribution on a previously approved site plan for an industrial site 24,000 warehouse. Graham showed four industrial pads on the site and is in negotiations with the town for the potential sale of 62 acres of land with municipal well site. Graham explained the base road is in place as are the detention ponds. Graham explained the proposal is for 60,000 gallons of liquid propane on the site with an enclosed concrete barrier and fence. Graham explained the trucks pull in from the entrance of the road, sweep around the site, fuel and exit the site. Graham stated there is no proposal to construct the building at this time, and if that changes they will be back before the board. Graham explained currently there is a gravel road, and noted they would like to postpone paving. Graham explained they are currently working on the land negotiations with the town on a portion of the land. He stated the road bed out to the site is sturdy and will be improvement prior to the proposal, the access will be to the gas company and the plan is to leave the gate locked with.

Chairman Tillman explained this site is zoned industrial which has dual approvals on the site and the approval the applicant is requesting is compatible with those approvals.

Howard explained she spoke with water and sewer who stated their only concern is who would do the plowing to the site as they don't plow all the time. Graham explained the tenant will be plowing the road, not the Town. Graham also noted when they plan pave the road they will come back before the board.

Morasco asked if there are other 60,000 LPGs like these in town. Graham noted there are many in town, Amerigas, Proulx, and Buxton.

Chairman Tillman asked about the concrete barrier. Graham explained it is similar to a jersey barrier, four to six feet designed to prevent vehicles from entering and a chained link fence with barbed wire.

Krise explained the jersey barriers or bollards are put in place to protect all the piping from any vehicle collision and all mandated by the National Fire Protection Association, that are wrapped around all the mechanical parts on the site.

Chairman Tillman asked who puts on these safety requirements. Krise explained it's the NFPA 58 federal guidelines and they are the minimum requirements. Chairman Tillman asked if the state inspect this. Krise explained the inspections are usually done on a local level.

Selectman Sott asked if this has been before the fire department and noted a letter was given to the Board from Mark Nickerson, assistant fire chief asking the Board **not** approve the plan until the developer meets with the fire department and the plan looked at by a third party fire protection engineer.

Chairman Tillman addressed three points on Nickerson's letter:

- 1) Access to the site is limited to one road that also serves many retail businesses. The proposed business

will require that hazardous materials be transported on the same limited access road.

Chairman Tillman stated this is an approved vested site approval, with one road and three industrial lots. He stated the board could discuss the relative safety of propane.

- 2) The plan does not show the location of any additional tank storage or parking areas for propane trucks.

Chairman Tillman stated there are no additional tanks on the site, and asked the applicant if they are planning to store any trucks on site. Krise answered at this time they are not. Chairman Tillman asked how many trucks would be filling at one time. Krise answered one.

- 3) The proposed use of the building is unknown. The building is of concern if it will be used for service and repairs to trucks or other propane equipment.

Krise stated they are not planning to put a building on the site at this moment.

- 4.) Does the developer plan to have a third party Fire Protection Engineer review the plan.

Krise explained what Nickerson is asking for are things that are required by the state and federal government.

Graham explained the issue of design is in place in the building permit process.

Chairman Tillman noted what is before the board is a layout with two large tanks, and a plan will be given to the building inspector. Krise explained what will be on the plan are the piers that will support the tanks, a piping diagram with specifications for the motor. The Chairman questioned if the Town's building inspector should get outside engineer to review the plans. Krise stated he did not believe so, and explained the people that build the plant are licensed gas and pipe fitters. The Chairman asked if anyone beside the Town's building inspector review the plans or the installation as its being built. Krise stated no. Graham explained if the Town's building inspector is uncomfortable making decisions on the inspections he has the right to get additional people to review the plan.

Chairman Tillman stated he sees no issues before the board to give any reasons on delaying delay the site plan.

Crowell referenced about item #1 on the plan states access to the site by a limited road will serve many retail businesses.....same access road that will transport these hazardous materials. Crowell stated these hazardous materials have already been on the road and are covered by DOT regulations.

Graham reminded the Board that all the businesses on that site have propane delivered to them.

Morasco asked Howard if she feels that any of the concerns by Nickerson will not be addressed by the building permit process. Howard stated she sees the building inspector addressing all that has been discussed.

Selectman Sott stated her concern is that the fire department was not involved, and requested the applicant meet with the fire department.

Chairman Tillman noted a condition of the board's approval is for the applicant to meet with the fire department. Howard explained to the Board she will be holding Technical Review before a site plan goes before the Board she will meet the applicant and the fire and police will be notified of the application.

Case informed the Board he works very closely with all fire departments.

Chairman Tillman asked what the worst case scenario...propane will dissipate in the air

Resident Rene Arsenault explained he has been with the Lawrence Fire Department for 28 years and stated this is a safe operation. He explained the utility companies are called in if there are any emergencies and stated Tier two forms have to go into the fire department

Chairman Tillman asked about lighting and signage. Graham explained there will be minimal lighting, which will go down to security lighting at night and they are still working on signage.

Morasco moved, Crowell seconded the motion to accept the plans. The motion carried unanimously.

Chairman Tillman noted the conditions of approval, there will be no generator, no storage of trucks overnight at this time, no other outdoor storage onsite, no idling of vehicles unless they are being filled, access for water and sewer department will be maintained, and security lighting at night.

Chairman Tillman moved, Morasco seconded the motion to approve the plan with the conditions stated. The motion carried unanimously.

PUBLIC HEARING: Site Plan (function hall & courtyard)

Developer/Owner: David Kennedy

Location: 15 Church Street, **Tax Map 029 – Lot 244-1**

Dave Kennedy came before the Board with his proposal to have a function hall in the building next to the Grail. He explained he met with Mark Nickerson who had no concerns with the proposal other than a gate where the outdoor seating between the two buildings will be. Kennedy explained the seating capacity outside will be approximately 48 to 50 seats, with hours the same as the Grail with the Board's permission, closing out that section as guests leave.

Rene Archambault selectman and resident spoke in favor of the proposal stating the business is good for the community, with great atmosphere, and noted the property is always well maintained.

Kennedy explained he would like to have the building done by May. He explained most lighting will be for safety issues and that there will be no additional signage.

Kennedy explained there are 129 parking spots at the Grail, and he has permission to park when needed at the Granary, the old shoe shop, the Post Office and Stateline Seafood. He explained the new building will seat 100 and outdoors will seat 50. Kennedy explained there will be no outdoor entertainment and asked the hours of operation to be the same as the Grail.

Landscaper Greg Davis explained the will have junipers in back, common hawthorns, and evergreen to create a fence between Church Street and the seating area.

Morasco moved, Crowell seconded the motion to accept the plan. The motion carried unanimously.

Morasco moved, Selectman Sott seconded the motion to approve the plan, and noted if there is any parking or noise problems the application needs to come back before the Board, the function hall sound requirements are same as the Grail, and the operation hours on the function hall are the same as the Grail. The motion carried unanimously.

MINUTES OF 01/28/10 FOR APPROVAL – The minutes will be addressed at the next meeting.

ADJOURNMENT: The Board agreed to adjourn at 8:45 pm.

Respectfully Submitted,

Phyllis McDonough
Planning Board Secretary

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